IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SUO-MOTU CONTEMPT PETITION NO. 141 OF 2001.

High Court. ... Petitioner.

Versus.

Ramdas D.Patil and another. ... Respondents.

Shri N.R.Bubna for the Respondent/contemnor.

CORAM : ABHAY S.OKA, J.

DATED : 21st April, 2007.

P.C.:

1. The suo-motu notice of contempt was issued by the Division Bench of this Court by order dated 17th February 2000. The notice was issued in an Appeal preferred by the State of Maharashtra for challenging an Award made under section 18 of the Land Acquisition Act, 1894. In an application for stay filed by the State Government, an order was passed on 27th August 1998 by the Division Bench permitting the Respondents/Contemnors to withdraw a sum of Rs.9.50 lakhs deposited by the State Government. Accordingly the said amount was withdrawn.

2. The Respondents had borrowed certain amounts from the Central Bank of India. In a suit filed by the Central Bank of India, an interim order was passed against the contemnors restraining them from receiving

any amount payable as per the award made in the pending Land Acquisition Reference under section 18 of the said Act, 1894. The allegation is that the compensation amount was withdrawn in breach of the said order.

3. An affidavit has been filed by the Contemnors of one Shri Ramdas D.Patil which is taken on record and marked "X" for identification. In paragraph 2 of the said affidavit, the said contemnor has tendered an unconditional apology. To the said affidavit, he has annexed a certificate dated 20th March 2007 issued by the Central Bank of India, Malegaon Branch which certifies that the contemnor has repaid the entire amount due and payable to the said Bank under a compromise scheme and there were no dues payable by the said Respondent to the said Bank.

4. There is a separate affidavit filed by Shri Arjun Dashrath Patil, another contemnor to the same effect.

5. Therefore, no case is made for taking any further action against the contemnors. The apology tendered by the contemnors is accepted. Notice issued to the contemnors is discharged. Contemnors are directed to pay a sum of Rs.2000/- by way of donation to the Maharashtra State Legal Services Authority within a

period of 8 weeks from today. Contempt petition is disposed of.

6. An affidavit reporting compliance with the direction given as aforesaid will be filed by the contemnors within the stipulated time. If such an affidavit is not filed, office will place the contempt petition for direction before the appropriate Court.

Judge.